

EMBASSY OF THE
UNITED STATES OF AMERICA

No. 082

The Embassy of the United States of America presents its compliments to the Ministry of Foreign Affairs and African Integration of the Republic of Chad and has the honor to refer to recent discussions between representatives of the Government of the United States of America and the Government of the Republic of Chad regarding the surrender of persons to the International Criminal Court.

Reaffirming the importance of bringing to justice those who commit genocide, crimes against humanity and war crimes,

Recalling that the Rome Statute of the International Criminal Court done at Rome on July 17, 1998 by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of an International Criminal Court is intended to complement and not supplant national criminal jurisdiction,

Considering that the Government of the United States of America and the Government of the Republic of Chad have each expressed their intention to investigate and to prosecute where appropriate acts within the jurisdiction of the International Criminal Court alleged to have been committed by their officials, employees, military personnel or other nationals,

Bearing in mind Article 98 of the Rome Statute, the Embassy proposes the following agreement:

1. For purposes of this agreement, "persons" are current or former Government officials, employees (including contractors), or military personnel or nationals of one Party.
2. Persons of one Party present in the territory of the other shall not, absent the express consent of the first Party,

- (a) be surrendered or transferred by any means to the International Criminal Court for any purpose, or
- (b) be surrendered or transferred by any means to any other entity or third country, or expelled to a third country, for the purpose of surrender to or transfer to the International Criminal Court.

3. When the United States extradites, surrenders, or otherwise transfers a person of the Republic of Chad to a third country, the United States will not agree to the surrender or transfer of that person to the International Criminal Court by the third country, absent the express consent of the Government of the Republic of Chad.

4. When the Government of the Republic of Chad extradites, surrenders, or otherwise transfers a person of the United States of America to a third country, the Government of the Republic of Chad will not agree to the surrender or transfer of that person to the International Criminal Court by a third country, absent the express consent of the Government of the United States.

5. This agreement shall remain in force until one year after the date on which one party notifies the other of its intent to terminate the Agreement. The provisions of this Agreement shall continue to apply with respect to any act occurring, or any allegation arising, before the effective date of termination.

If the proposal set forth herein is acceptable to the Government of the Republic of Chad, this note and an affirmative note from the Ministry of Foreign Affairs and African Integration in reply shall constitute an agreement between our two Governments which shall enter into force on the date of the Ministry's note.

The Embassy of the United States of America avails itself the opportunity to renew to the ministry of Foreign Affairs of the Republic of the Chad the assurances of its highest consideration.

N'Djamena, 26 March 2003

Ministry of Foreign Affairs



U.S. Department of State
Office of Language Services
Translating Division

LS No. 07-2003-0073
JF/ALK
French

Republic of Chad

Ministry of Foreign Affairs and African Integration
Office of General Staff
Bureau of Legal Affairs, Documentation, and Archives
No. 1800 MAEIA/SG/220/DAJDA/03

The Ministry of Foreign Affairs and African Integration presents its compliments to the Embassy of the United States of America at N'Djaména and, pursuant to note verbale No. 082 of March 26, 2003, concerning the conclusion of a bilateral agreement under the provisions of Article 98 of the Rome Statute establishing an International Criminal Court, has the honor to confirm hereby that the Government of the Republic of Chad accepts the proposal of the Embassy of the United States of America at N'Djaména, as follows:

[For text see Embassy note]

Embassy of the United States of America,
N'Djaména.

The Ministry hereby confirms that this Note and the aforementioned Embassy note shall constitute an agreement between our two governments, which shall enter into force on the date of its acceptance .

The Ministry of Foreign Affairs and African Integration avails itself of this opportunity to renew to the Embassy of the United States of America the assurances of its high consideration.

N'Djaména, June 30, 2003

[Initialed]

[Embassy stamp]